

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **In Re Smyth/ Priest Minors**

Docket No. **287288**

L.C. No. **07-000298 NA**

Henry William Saad, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The claim of appeal filed on August 15, 2008, is DISMISSED for lack of jurisdiction. Appellant has cited no authority that an order that assigns the case from one judge to another is appealable by right. *In Re Gazella*, 264 Mich App 668 (2005), involved an order of disposition where the trial court found that the children were within the jurisdiction of the trial court. That was an order that was appealable by right under MCR 3.993(A)(1). Because appellant does not claim that his order falls within MCR 3.993(A), any appeal must be by application for leave to appeal. See MCR 3.993(B).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

OCT - 1 2008

Date

Sandra Schultz Mengel
Chief Clerk